



**STAFF REPORT**  
MAPC: January 19, 2023  
DAB VI: February 13, 2023

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<b><u>CASE NUMBER:</u></b>	PUD2023-00002 (City)
<b><u>APPLICANT/AGENT:</u></b>	Tom George Investments LLC/Tom George (Applicant); Shelden Architecture/Daniel Gensch (Agent)
<b><u>REQUEST:</u></b>	Create the Wellington Place Duplexes Planned Unit Development #112
<b><u>CURRENT ZONING:</u></b>	B Multi-Family Residential District
<b><u>SITE SIZE:</u></b>	0.86 acres
<b><u>LOCATION:</u></b>	Generally located on the west side of North Wellington Place, south of West 12 <sup>th</sup> Street North (1237 North Wellington Place).
<b><u>PROPOSED USE:</u></b>	Duplexes, studios, and one-bedroom dwelling units.
<b><u>RECOMMENDATION:</u></b>	Approval with conditions.





**BACKGROUND:** The applicant is requesting a zone change from B Multi-Family Residential District to PUD Planned Unit Development to create the Wellington Place Duplexes Planned Unit Development PUD #112. The 0.86-acre property is generally located on the west side of North Wellington Place, south of West 12<sup>th</sup> Street North (1237 North Wellington Place). The subject site is currently developed with parking lots.

The applicant would like to develop a custom residential neighborhood, and a Planned Unit Development (PUD) allows a certain level of flexibility with site development regulations which would otherwise not be permitted under the current B Multi-Family District zoning.

Development Standards	Wellington Place Duplexes PUD #112 Standards	B Multi-Family Residential District Standards
Maximum Building Height	40 feet	55 feet, plus one foot of additional height for each foot of setback beyond the minimum required setbacks for all property lines
Front Setback	20 feet	20 feet
Rear Setback	10 feet	15 feet
Interior Side Setback	Five feet	Five feet
Parking	One per dwelling unit	One per dwelling unit for duplex development.

In the proposed Planned Unit Development, the applicant is proposing to reduce the maximum building height restrictions as well as the rear setback restrictions. The front setback, interior side setback, and parking requirements will remain the same.

The applicant is proposing to build duplexes made of shipping containers. The applicant proposes to develop 14 dwelling units on the site; however, the proposed PUD allows a maximum of 17 buildings on the subject site. Ten (10) of the dwelling units would be studio units and four of the dwelling units would be two-bedroom units. The maximum number of 17 dwelling units would be less than the maximum density permitted in B Multi-Family District zoning, which permits 75.1 dwelling units per acre. Per the Unified Zoning Code, portable shipping containers are not permitted to be permanently placed on residentially zoned lots. The PUD would permit the ability to use portable shipping containers for the proposed residential dwellings.

The parking requirements would adhere to Section IV-A of the Unified Zoning Code (UZY). Duplexes require one parking space per dwelling unit. A preliminary site plan shows 28 parking spaces, including two accessible spaces, which would satisfy the UZY parking requirements for a maximum of 14 duplexes.

The Unified Zoning Code (UZY) Section IV-B would require screening because the PUD abuts residential zoning on the north and west sides. The PUD indicates that all screening shall follow the UZY. The applicant proposed PUD would waive the landscaping requirements of the Wichita Landscape Ordinance. No landscaping is shown on the preliminary site plan. Staff recommends requiring the minimum landscape requirements per the Wichita Landscape Ordinance of one shade tree per 40 lineal foot of buffer trees on the north and west sides for the portion of the site the dwellings are proposed to be built.

Properties to the north are zoned TF-3 Two-Family Residential District and are developed with single-family residential dwellings. Property to the south is zoned LI Limited Industrial District and is developed with a storage warehouse. Property to the east is zoned LI Limited Industrial District and is developed with an industrial warehouse. Properties to the west are zoned TF-3 Two-Family Residential District and B Multi-Family District and are developed with single-family residences.



**CASE HISTORY:** On October 28, 1885, the Allens Resurvey of Turner Addition subdivision was created. In 2001, the property was granted a Conditional Use to allow ancillary parking on site (CON2001-00007). In 2008, the Wichita City Council approved a zone change from B to LI with a Protective Overlay, but it was declared null and void due to a failure to meet conditions (ZON2008-00040).

**ADJACENT ZONING AND LAND USE:**

NORTH:	TF-3	Single-family residential dwellings
SOUTH:	LI	Storage warehouse
EAST:	LI	Industrial warehouse
WEST:	TF-3, B	Single-family residential dwellings

**PUBLIC SERVICES:** The property has access to North Wellington Place and State Street, which are both paved, two-way, local streets. Wellington Place has a sidewalk on the west side, while State Street has no sidewalks. Municipal services, such as water and sewer, already serve this site. Wichita Transit serves the subject site within one-half mile northwest, at the northeast corner of West 13<sup>th</sup> Street North and North Waco Avenue.

**CONFORMANCE TO PLANS/POLICIES**

**The Community Investments Plan:** The site of the requested zone change is in partial conformance with the *Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The 2035 Wichita Future Growth Concept Map mostly identifies the area as “Industrial”, which the Comprehensive Plan describes as “*areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality. Centers or concentrations of manufacturing, warehousing, distribution, construction, research, and technology are located in close proximity to highways and airports and may have rail service. Industrial uses associated with the extraction, processing or refinement of natural resources or recycling of waste materials typically are located along rail lines. Businesses with negative impacts associated with noise, hazardous emissions, visual blight, and odor typically are buffered from Residential Uses by Commercial Uses.*” However, the subject site is adjacent to residential properties on the north and west sides.

The requested zone change is in conformance with the *Community Investments Plan*’s Locational Guidelines. In the Established Central Area (ECA), “Accessory dwelling units, duplexes, and small-scale multi-family developments can be appropriate in existing residential areas if appropriate site design limits adverse impacts on surrounding residential uses, the design of the buildings is compatible with existing residences, and the scale of the development is compatible with the intensity of the surrounding area.” The subject site is adjacent to a residential neighborhood and TF-3 Two-Family Residential District zoning.

**Wichita: Places for People Plan:** The requested zoning aligns with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

- **Strategies:** The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested zoning aligns with Strategy 5, “Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA.”
- **Current Condition:** The subject property is located within an area identified as an “area of opportunity.” The Places for People Plan defines Areas of Opportunity as those “areas that generally exhibit economic



challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area, physically and socially.”

Midtown Neighborhood Plan: The requested zoning is in partial conformance with the goals for the *Midtown Neighborhood Plan*. The Historic Midtown Neighborhood Existing Land Use identifies the area as appropriate for “Industrial”. However, the subject site is adjacent to other land uses that are appropriate for “Residential Urban” uses.

Goal 3 of the *Midtown Neighborhood Plan* aims to “Identify vacant lots or blocks suitable for affordable and market-rate residential development, and market accordingly”. The subject site is situated on an underutilized lot and is suitable for residential development.

**RECOMMENDATION:** Based on the information available at the time of the public hearing, staff recommends **APPROVAL** of the application subject to adherence to the recommended PUD text (attached) and the following conditions listed below.

#### Recommended Conditions of Approval

1. The text of the PUD shall be revised in accordance with the recommended text as approved by the Planning Commission.
2. The applicant shall revise the PUD language to include the required landscape buffer per the Wichita Landscape Ordinance along the north and west property lines for the portion of the site that the dwellings are proposed to be constructed.
3. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #112 Wellington Place Duplexes Planned Unit Development) has special conditions for development on the property.
4. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.
5. All other federal, state, and local laws and ordinances must be observed.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is industrial adjacent to a residential neighborhood. Properties to the north are zoned TF-3 Two-Family Residential District and are developed with single-family residential dwellings. Property to the south is zoned LI Limited Industrial District and is developed with a storage warehouse. Property to the east is zoned LI Limited Industrial District and is developed with an industrial warehouse. Properties to the west are zoned TF-3 Two-Family Residential District and B Multi-Family District and are developed with single-family residences.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is currently zoned B Multi-Family Residential District, which can serve a variety of residential uses and a limited number of civic and commercial uses. The current setback standards and landscaping requirements for B Multi-Family Residential District do not allow for the proposed development.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Staff does not anticipate substantial negative impacts on surrounding properties with the removal of restrictions.
4. **Length of time subject property has remained vacant as zoned:** According to historic aerials, the



property has been developed as a parking lot since at least 1974.

5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of this application will bring housing to an underdeveloped site. Denial of this application may result in the loss of economic opportunity for the applicant.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zone change is in partial conformance with the *Community Investments Plan* and the *Midtown Neighborhood Plan*, but it is in conformance with the *Wichita: Places for People Plan*, as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** The proposed PUD should have minimal impacts on community facilities.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff did not receive any public comment on the requested zone change.

Attachments:

1. Staff Recommended Language for the Wellington Place Duplexes PUD #112
2. PUD #112 Drawing
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Midtown Plan Existing Land Use Map
7. Site Pictures



## Staff Recommended Language for the Wellington Place Duplexes PUD #112

### General Provisions

1. Total Land Area 37,100 SF or 0.86 acres
2. Parking shall be provided at a rate of 1 parking stall per dwelling unit.
3. Setbacks are as indicated on the PUD drawing.
4. A drainage plan shall be submitted to the City Engineering for approval. Required guarantees for drainage shall be provided at the time of plotting improvements.
5. Parcel 1 shall install similar or consistent parking for lighting elements (i.e. fixtures, poles, and lamps, and etc.)
  - A. The height of all light poles, including pole base, is limited to 15 feet.
  - B. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
6. Utilities shall be installed underground on Parcel 1.
7. Screening shall be per Section IV-B of the Unified Zoning Code. ~~Landscaping requirements per the Wichita Landscape Ordinance shall not be required.~~ A landscape buffer along the north and west property lines shall be in accordance with the Wichita Landscape Ordinance where abutting TF-3 Two-Family Residential District zoning. Landscaping shall only be required along the north portion along the property lines along where the dwellings are constructed.
8. Repurposed shipping containers may be used on Parcel 1 as the building shell material for residential purposes.
9. All rooftop mechanical equipment shall be screened from ground level view from adjacent residential areas and adjacent street right-of-way.
10. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view and adjacent Residential Zoned property.
11. All building exteriors in the PUD shall share a consistent architectural design, color, and texture. Vibrant colors shall be restricted to incidental accent only. Exterior utility boxes, mechanical equipment, and etc. shall be screened and/or painted according to the acceptable color range. All light fixtures shall share consistent design (i.e. fixtures, poles, lamps, etc.). Prior to issuance of building permits, architectural renderings shall be submitted to the Director of Planning for final approval. Variations must be approved by the Director of Planning.
12. Development of the site will not be permitted without connection to public water and sewer.
13. All internal circulation drives shall be paved with concrete or asphalt to mitigate dust.
14. A site circulation plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits. The site circulation plan shall ensure pedestrian linkages between building and the sidewalk system and shall ensure internal vehicular circulation among developments within the PUD, including joint use of ingress/egress openings and ensuring that drive openings are not impacted/blocked by the layout of parking stalls or landscaping.
15. Amendments, adjustments, or interpretations to this PUD shall be done in accordance with the Unified Zoning Code.
16. The Transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
17. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approval by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator or the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.



18. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
19. The design layout show on the plan illustrates only one development concept. Slight modifications to the location of improvements may be permitted provided they meet all requirements of this plan. All decks, patios and outdoor seating areas shall not count towards building coverage or gross floor area calculations.
20. Parcel 1 shall be limited to those uses permitted by-right in the “B” Multi-Family Residential District, provided that portable shipping containers may be used for the construction of permanent dwelling units, which shall be placed on permanent foundations and shall meet all applicable development codes.

#### **Parcel 1**

Net Area:	37,100 square feet (0.86 acres)
Maximum Building Coverage:	15,000 square feet
Maximum Gross Floor Area:	13,000 square feet
Floor Area Ratio	0.35
Maximum Number of Buildings:	17
Maximum Building Height:	40 feet
Setbacks:	See Drawing
Access Points	One on North Wellington Place
Parking	Per General Provisions



# WELLINGTON PLACE DUPLEXES

## PLANNED UNIT DEVELOPMENT

**PUD #XXXXXX**

**LEGAL DESCRIPTION**

Lots 25, 27, 29, 31, 33, 35, 37, 39 and the East 100 feet of Lot 41,  
and the South 10 feet of the East 100 feet of Lot 43, Water Street,  
Allen's Re-survey of Turners Addition to the City of Wichita,  
Sedgwick County, Kansas.

### PROJECT DESCRIPTION

The intent of this Planned Unit Development is to develop a unique residential neighborhood to provide more renting opportunities for multiple residences. The applicants are seeking the area near N Wellington PI and W 12th St N. The PUD allows a certain level of flexibility with site development regulations which will be determined after the current zoning. The duplexes will be located in a subdivision where there will be multiple floor plan options for the design. There will be fourteen (14) duplexes in all including ten (10) studio units and four (4) two bedroom units. The design of these duplexes was made for single or multi families. The PUD will permit the innovative use of space and design to create a unique design for the design of the duplexes. The applicants are wishing to begin construction after receiving development application approval.

**PARCEL 1:**

A.	Net Area:	37,190 SF (0.86 Acres)
B.	Maximum Building Coverage	15,000 SF
C.	Maximum Gross Floor Area	13,000 SF
D.	Floor Area Ratio	0.35
E.	Maximum Number of Buildings	17
F.	Maximum Building Height	40 feet
G.	Setbacks	See Drawing
H.	Access Points	1 on N Wellington Pl
I.	Parking	Per General Provisions

GENERAL PROVISIONS:

3. Total Land Area 37.00 SF or 8.86 Acres
2. Parking shall be provided at a rate of 1 parking stall per dwelling unit.
3. Setbacks are as indicated on the P.U.D. drawing.
4. A drainage plan shall be submitted to City Engineering for approval. Required guarantees for drainage shall be provided at the time of plotting improvements.
5. Parcel 1 shall install similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, etc.).
- A. The height of all light poles, including pole base, is limited to 15 feet.
6. All exterior lighting shall be shielded to direct light disbursement in a downward direction and away from residential areas.
7. Utilities shall be installed underground on Parcel 1.
8. Screening shall be per Section IV-B of the Unified Zoning Code. Landscaping requirements per the Wichita Landscape Ordinance shall not be required.
9. Repurposed shipping containers may be used on Parcel 1 as the building shell material for residential structures.
10. All rooftop mechanical equipment shall be screened from ground-level view from adjacent residential areas and adjacent street right of way.
11. Trash receptacles and ground level mechanical equipment shall be screened to reasonably hide them from ground level view and adjacent Residential Zoned property.
12. All building exteriors in the P.U.D. shall share a consistent architectural design, color, and texture. Vibrant colors shall be restricted to incidental accent only. Exterior utility boxes, mechanical equipment, and etc. shall be screened and/or painted according to the acceptable color range. All light fixtures shall share consistent design (i.e., fixtures, poles, lamps, etc.). Prior to issuance of building permits architectural renderings shall be submitted to the Director of Planning for final approval. Variations must be approved by the Director of Planning.
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16. Amendments, adjustments or interpretations to this P.U.D. shall be done in accordance with the Unified Zoning Code.
17. The Transfer of title of all or any portion of land included within the Planned Unit Development (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
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21. Parcel 1 shall be limited to those uses permitted by-right in the "B" Multi-Family Residential District, provided that portable building containers may be used for the construction of permanent dwelling units, which shall be placed on permanent foundations and shall meet all applicable development criteria.



**WELLINGTON PLACE DUPLEXES**  
**TOM GEORGE INVESTMENTS**

PROJECT ADDRESS, WICHITA, KS 67\_\_\_\_

PROJECT NO.	ENR-0001
DATE	DATE

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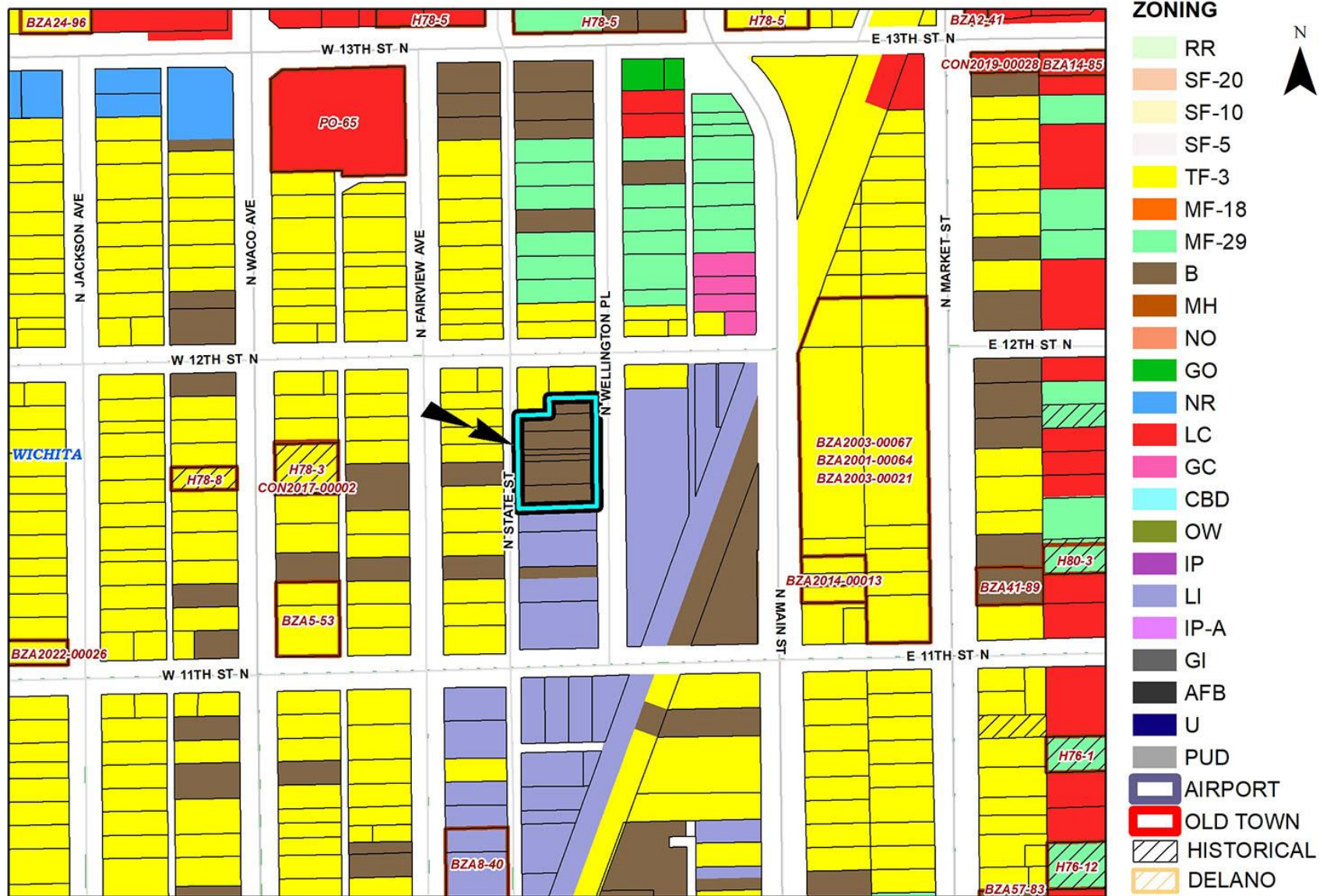
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**PUD**











The map displays a grid of streets in downtown Topeka, Kansas. The streets shown are 13TH, WA CO, PARK, MAIN, MARKET, BROADWAY, and EMPORIA. The map is divided into several colored zones: yellow, red, purple, green, blue, and brown. A black arrow points to a specific purple-colored area labeled 'Midtown Plan'. The brown area in the bottom right corner represents a river or water body.

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**Looking west towards site**



**Looking south towards site**



**Looking east away from site**



**Looking north away from site**

